

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 2, 2004

Tuesday, 9:10 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, present. Schlapp, absent with prior notice.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Douglas Luginbill, Hope Mennonite Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the October 19th and October 26, 2004, Meetings were approved 6 to 0 (Schlapp absent).

AWARDS AND PROCLAMATIONS:**RECOGNITION**

Mayor Mayans recognized Paralympians Jarrett Perry and Nick Taylor, participants in the Athens, Greece Olympics, and presented both with keys to the City.

PUBLIC AGENDA**MARYDEL GRAYUM****MARYDEL GRAYUM-PROGRESS UPDATE OF THE PROKS/MILLER RECYCLING CENTER.**

Ms. Grayum reported that November 15th is the traditional America Recycles Day and that the entire month of November will be focused on recycling efforts. Stated that the center is now open every Saturday from 9:00 a.m. until 3:00 p.m., with limited hours from 2:00 to 4:00 p.m. on Tuesdays and Thursdays. Stated that the phone number for the center is 269-1359, and that November 6th is going to be Seniors Recycle Day and November 13th will be the formal opening and dedication, which starts at 1:00 p.m. Stated on November 20th they will do a Thanksgiving Dinner and clothing drive for the United Methodist Urban Ministries food ministry and clothes closet. November 27th will be youth recycle day. Ms. Grayum extended a special invitation to the Council to come and visit the center.

CONSENT AGENDA

Motion--
--carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 6 to 0 (Schlapp absent).

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 1, 2004.**

Bids were opened October 29, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

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Storm Water Sewer #586 to serve Power CDC Second Addition - north of 35th Street North, west of Grove. (468-83573/751329/485220) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Kansas Paving - \$45,313.60

Lateral 6, Main 13 Four Mile Creek Sewer to serve Hawthorne 3rd Addition - north of 21st Street North, east of 127th Street East. (468-83871/744090/480778) Does not affect existing traffic. (District II)

Mies Construction - \$121,398.00

Williamsgate/Camden Chase from the east line of Peckham to the north line of 21st Street North to serve Hawthorne, Hawthorne Second and Third Additions - north of 21st Street North, east of 127th Street East. (472-83644/765774/490885) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Kansas Paving - \$456,491.00

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

PUBLIC WORKS DEPARTMENT/FLOOD CONTROL & STORM WATER DIVISION: Weed Killers.

Van Diest Supply Co. - \$594.25 (Group 1 total net bid)
Van Diest Supply Co. - \$594.25 (Group 2 total net bid)
Estes Inc. - \$9,520.00 (Group 3 total net bid)
Estes Inc. - \$5,950.00 (Group 4 total net bid)
Alenza - \$993.75 (Group 5 total net bid)
Alenza - \$993.7 (Group 6 total net bid)
BWI Springfield - \$918.00 (Group 7 total net bid)
BWI Springfield - \$918.00 (Group 8 total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISION: Lubricating Oil, Grease, and Transmission Fluid.

Universal Lubricants Inc. - \$84, 408,65* (Group 1 total net bid)
*Estimate – Contract approved on unit cost basis.

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: 24" Ductile Iron Pipe.

Wichita Winwater Works - \$23,223.00

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

CMBs

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Doug Ward	Presto Convenience Stores LLC	3311 North Rock Road.
Doug Ward	Presto Convenience Stores LLC	1250 South Rock Road
Doug Ward	Presto Convenience Stores LLC	2190 North Rock Road
Doug Ward	Presto Convenience Stores LLC	4414 West Maple
Doug Ward	Presto Convenience Stores LLC	1254 South Tyler
Doug Ward	Presto Convenience Stores LLC	7990 East Central

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Doug Ward	Presto Convenience Stores LLC	7136 West Central
Doug Ward	Presto Convenience Stores LLC	2001 South Oliver
Doug Ward	Presto Convenience Stores LLC	1350 North Oliver
Doug Ward	Presto Convenience Stores LLC	2356 South Seneca
Doug Ward	Presto Convenience Stores LLC	7236 West 21st Street
Doug Ward	Presto Convenience Stores LLC	4821 South Broadway
Doug Ward	Presto Convenience Stores LLC	515 North Seneca

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
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William H. Smith	SU d/b/a Rhatigan Student Center	1845 Fairmount
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<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
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Don Farquhar	Rolling Hills CC Golf Shop*	9612 West Maple
Randall S. Fuller Sr.	The Tropics Lounge	2705 North Broadway

<u>Special Event</u>	November 27, 28, 2004.
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Delfino Morillon	Lieso Santa Rosa	2200 North Broadway
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion-- Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried
--carried 6 to 0, (Schlapp absent).

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a. Lateral 37, Main 1 Cowskin Interceptor Sewer to serve Oak Cliff Estates Addition - north of Maple, west of Maize. (468-83824/744065/480753) Does not affect existing traffic. (District V) - \$39,000.00
- b. Storm Water Sewer #607 to serve Oak Cliff Estates Addition - north of Maple, west of Maize. (468-83825/751371/485262) Does not affect existing traffic. (District V) - \$45,000.00
- c. Cavit from the north line of Lot 20, Block C, north and northeasterly to the west line of Decker; Decker from the north line of Lot 23, Block D, north to the north line of Cavit; Burton from the west line of Cavit, north to the northwesterly line of Lot 25, Block C; Sidewalk on one side of Burton, Cavit and Decker to serve Shadow Woods Addition (north of Maple, west of 135th Street West) (472-83722/765907/490020) Does not affect existing traffic. (District V) - \$250,000.00

Motion-- Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0,
-- carried (Schlapp absent).

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a. Sanitary Sewer Easement dated September 3, 2004 from Barbara B. and James E. Cranor for a tract of land located in the Northwest Quarter of Section 31, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA #607861). No cost to City.
- b. Utility Easement dated October 6, 2004 from Jelco, Inc. for tracts of land located in Lot 5, Block 1, The Collective, an Addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City.

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- c. Waterline Easement dated October 6, 2004 from Jelco, Inc. for a tract of land located in Lot 5, Block 1, The Collective, an Addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City.

Motion--carried Mayans moved that the documents be accepted. Motion carried 6 to 0, (Schlapp absent).

51st STREET N.

PETITION TO PAVE 51ST STREET NORTH FROM ATHENIAN TO CHARLES. (DISTRICT VI)

Agenda Report No. 04-1061

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide paved access to a developed residential area.

The Petition totals \$43,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion-- Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0,
-- carried (Schlapp absent).

RESOLUTION NO. 04-588

Resolution of findings of advisability and Resolution authorizing improving of 51st Street north from the east line of Athenian to the west line of Chares, (east of Meridian) 472-84117, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

THE WATERFRONT

PETITIONS FOR SANITARY SEWER, DRAINAGE AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE THE WATERFRONT FOURTH ADDITION, NORTH OF 13TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 04-1062

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer, drainage improvements and water service to a new commercial development located north of 13th, east of Webb.

The Petitions total \$340,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion-- Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0,
-- carried (Schlapp absent).

RESOLUTION NO. 04-589

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90019 (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

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RESOLUTION NO. 04-590

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90020 (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

RESOLUTION NO. 04-591

Resolution of findings of advisability and Resolution authorizing construction of Lateral 48, Main 24, War Industries Sewer, 468-83918, (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

RESOLUTION NO. 04-592

Resolution of findings of advisability and Resolution authorizing construction of Lateral 49, Main 24, War Industries Sewer, 468-83919, (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

RESOLUTION NO. 04-593

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 242, 468-83920, (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

RESOLUTION NO. 04-594

Resolution of findings of advisability and Resolution improving Storm Water Drain No. 243, 468-83921, (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

MAIN 4

DESIGN SERVICES FOR MAIN 4, NORTHWEST INTERCEPTOR SEWER, EAST AND WEST OF 135TH STREET WEST, SOUTH OF 21ST STREET. (DISTRICT V)

Agenda Report No. 04-1063

The 2004 Capital Improvement Program includes funding for sewer mains for future development.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of Main 4, Northwest Interceptor Sewer. The Staff Screening & Selection Committee selected R&B for the design on September 20, 2004.

Payment to R&B will be on a lump sum basis of \$46,400, and will be paid by the Water Utility.

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Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

MAIN 22

DESIGN SERVICES FOR MAIN 22, SOUTHWEST INTERCEPTOR SEWER, MACARTHUR ROAD AND WEST STREET. (DISTRICT IV)

Agenda Report No. 04-1064

The 2004 Capital Improvement Program includes funding for sewer mains for future development.

The proposed Agreement between the City and Poe & Associates, Inc. provides for the design of Main 22, Southwest Interceptor Sewer. The Staff Screening & Selection Committee selected Poe for the design on September 20, 2004.

Payment to Poe will be on a lump sum basis of \$28,000, and will be paid by the Water Utility.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

EMINENT DOMAIN

ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE EAST KELLOGG/ROCK ROAD IMPROVEMENT PROJECT. (DISTRICT II)

Agenda Report No. 04-1066

The acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition in December 2001. There are twenty-four total acquisitions and six partial acquisitions. All of the total acquisitions and one of the partial acquisitions have been acquired. The two of the remaining partial acquisitions involve part of the Blockbuster Video site at 8003 East Kellogg and a portion of the small retail center at 438 South Rock Road.

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owners. Per Federal guidelines, offer values were set by review appraisals of certified appraisals. The taking at 8003 East Kellogg was appraised at \$200,000. The owner has indicated that he feels the take is of such magnitude that the entire site should be acquired. This would cost in excess of \$1,500,000. The take at 458 South Rock Road was appraised for \$24,100. The owner has indicated that she will accept this amount but the tenant has not responded to repeated requests that he release his leasehold interest. Without the release, clear title cannot be acquired. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion--

--carried

Mayans moved that the Resolution be adopted; and the Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition be placed on first reading. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-607

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned improvement East Kellogg Avenue (US-54), presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

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ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

EPISCOPAL SERV. COORDINATION WITH HHS APPLICATION FROM EPISCOPAL SOCIAL SERVICES, INC.

Agenda Report No. 04-1067

Episcopal Social Services, Inc. (ESS) has requested the coordination of the City of Wichita's Career Development Office (CDO) in an application to the U.S. Department of Housing and Human Services (HHS) for "Invest in Yourself", a program designed to help low-income persons build assets through assistance with financial management, education and filing the Earned Income Tax Credit. The CDO can, within its current funding structure, enhance the ESS project by making the assistance available to its own clients as well as publicizing the program to low-income residents throughout the area.

The project will serve the low-income in Wichita and Sedgwick County. ESS learned of the funding opportunity in mid-August and prepared the application, including the City's coordination, for its submittal by the September 10, 2004 deadline. The coordination can be withdrawn from the application if the City Council denies the request.

ESS is applying for \$71,437 in federal funds. No City of Wichita funds are requested and coordination in the application will not obligate general fund monies.

The federal application instructions require coordination with local Community Action Programs. The City of Wichita is the designated Community Action Program for Wichita and Sedgwick County, with program administration performed by the CDO.

Motion--
--carried

Mayans moved that the coordination with the application be approved. Motion carried 6 to 0, (Schlapp absent).

BYRNE GRANT 2005 BYRNE GRANT.

Agenda Report No. 04-1068

The Kansas Criminal Justice Coordinating Council has awarded a Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Program (Byrne) grant to the Wichita Police Department. The Kansas Governor's Federal Grants Program will be responsible for grant administration and monitoring. The Byrne grant funding of \$60,000 will assist with the cold case investigation. A local match of \$20,000 is required.

Byrne grant funding will be used to cover costs associated with the investigation that are not included in the Department's general fund budget. In addition, the Department anticipates seeking assistance from other entities and utilizing a portion of the grant for these purposes.

The 2005 Byrne grant program provides \$60,000 in federal funding. The local match of \$20,000 can be funded from anticipated under expenditures in the 2004 Police Department budget or General Fund reserves.

City Council approval is required for grant awards in excess of \$10,000. The required memorandums of agreement will be approved as to form by the Law Department.

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Motion--
--carried

Mayans moved that the grant award, the memorandums of agreement and the budget transfer be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

SIDEWALKS

SIDEWALK REPAIR ASSESSMENTS.

Agenda Report No. 04-1069

In order to respond to complaints of trip hazards, the City of Wichita has adopted a sidewalk condemnation ordinance that allows the City to repair sidewalk with trip hazards and assess the cost to the property abutting the sidewalk. After receiving proper notice, the property owner has the option of (a) leveling sections that are not broken or cracked, (b) hiring their own licensed cement contractor to make the repair, or (c) having the City make the repair and paying for the work through an assessment.

Property owners were notified in writing of the necessary sidewalk repairs. Property Owners chose Option c, having the cost of the repair assessed to their property.

Statements of Charges will be mailed to the property owners on November 12, 2004. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2004 bonds sold. The principal and interest will then be spread over 5-years and placed on the 2005 tax roll.

State statutes provide that legal action can be taken against the City of Wichita for trip hazards in excess of 1" or for sections of sidewalk that are inadequate or potentially dangerous to pedestrian traffic. State laws allow cities of the first class having a population of not less than sixty thousand to construct, reconstruct and/or repair sidewalks within the city and to levy special assessments therefore upon the owners of lots and tracts abutting thereon. These assessments are in accordance with City Code 12.18.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the Ordinance placed on first reading. Motion carried 6 to 0, (Schlapp absent).

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

51ST ST NORTH IMP. 51ST STREET NORTH IMPROVEMENT FROM MERIDIAN TO APPROXIMATELY 640 FEET EAST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 04-1070

On September 14, 2004, the City Council approved a petition to pave 51st Street North, from Meridian to 600' east of Meridian. It has since been determined that an additional 40' of pavement is needed to connect to existing pavement east of Meridian.

An amending Resolution has been prepared to expand the project.

The existing Petition totals \$58,000 with the total paid by special assessments. The estimated cost of the expanded project is \$62,000 with \$58,000 paid by special assessments and \$4,000 by the City-at-Large. The funding source for the City share is General Obligation Bonds and is included in the Neighborhood Improvement section of the Capital Improvement Program. There is no impact on special assessment.

State Statutes provide the City Council authority to increase the budget with City-at-Large funding.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent).

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RESOLUTION NO. 04-595

A Resolution amending Resolution No. 04-514 pertaining to improving 51st Street North from the east line of Meridian to 40 feet east of the east line of Hull Addition, (east of Meridian) 472-84099, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

PUMP STATIONS

REHABILITATION OF PUMP STATIONS NO. 2 AND NO. 4. (DISTRICTS IV AND VI)

Agenda Report No. 04-1071

Pump Station No. 2 is located at 5305 West Maple and was constructed in 1977. This pump station handles the storm water runoff from the Towne West shopping center. Pump Station No. 4 is located at 1461 Smith Court and was constructed in 1984. This pump station handles the storm water runoff in the 13th and West Street area. In 1993, some work was done to Pump Station No. 2 with the addition of a SCADA system, a new sump pump and other incidental improvements. There have not been any recent improvements made to Pump Station No. 4.

At present, these two pump stations need additional work. Improvements needed at Pump Station No. 2 include: replacing the motor control center; rebuilding the pumps; rewinding of the motors to a specified level of performance; adding a standby generator; replacing the existing exhaust fan; and lighting.

Improvements needed at Pump Station No. 4 include: rebuilding the main pumps; rewinding the motors for the main pumps to specified conditions; replacing the sump pump; replacing the motor starters for the pumps with a motor control center or new motor starters; providing an electric hoist for servicing the sump pump; adding a standby generator with an automatic transfer switch; and adding a SCADA system that is compatible with the SCADA equipment for the other pump stations.

Funds in the amount of \$990,000 have been budgeted to enable us to begin this work. Monies are in Storm Water Utility budget to pay debt service for GO bonds to be sold to complete this project.

Motion--
--carried

Mayans moved that the expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-596

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for public improvements to Pump Stations No. 2 and No. 4, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

UNIVERSITY PLAZA

UNIVERSITY PLAZA LEASE AMENDMENT. (DISTRICT I)

Agenda Report No. 04-1072

On November 3, 1998 the City Council entered into an agreement with Air Capital Community Development Company (ACCDC), to rehabilitate the former Dillons grocery store and connecting shopping center located at the northeast corner of 21st and Oliver. Air Capital Community Development Inc. is a for-profit company. The City Council allocated \$850,000 in Community Development Block Grant (CDBG) funds to ACCDC for the renovation project. ACCDC serves as the Master Lessee and completed the renovation of the building for use of as a small business center in accordance with the Lease Agreement with the City. The approximate value of the property after renovation is \$1 million.

The terms of the note provide that ACCDC will pay a monthly triple net lease payment to the City for use of the property. The monthly payment is based on a \$500,000 loan for 15 years at 9% interest with

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monthly payments of \$5,244.69. The remaining \$350,000 is in the form of a "soft second" mortgage which shall only be due if the property is sold by ACCDC to another party during the first 16 years.

The Lease Agreement requires that ACCDC is responsible for all property taxes levied against the property. ACCDC paid a portion of the 2002 property taxes. Currently, ACCDC is in arrears for \$18,313.85 plus interest for the balance of the 2002 property taxes. Additionally, the 2003 property taxes are delinquent in the amount of \$17,954.69 for a grand total of \$36,268.54. If the property taxes are not paid, Sedgwick County may foreclose on the University Plaza and sell the property for taxes owed.

ACCDC has made all loan payments due to the City of Wichita. However, revenues received from the University Plaza shopping center by ACCDC have not been sufficient to meet property tax obligations. Staff conducted on-site review of ACCDC financial statements and income tax returns. These documents verified insufficient cash flow to pay all of the property taxes.

The amendment to the Lease With Option To Purchase changes the basic rental terms. ACCDC would continue to make the \$5,244.69 per month payments to the City of Wichita. The payments collected during the remainder of 2004 and all of 2005 will be transferred to the Sedgwick County Treasurer's Office to discharge the delinquent property tax and to pay current property tax owed.

Beginning in January 2006, the terms of the amended lease will be 13 years remaining and the interest rate will be reduced from 9% to 5%. ACCDC will continue to make monthly payments at a rate of \$5,244.69 for the term of the lease. The monthly payment applied to the lease will be reduced to \$3,723.87. The difference of \$1,520.82 will be credited to a tax escrow account. Property taxes will be paid from the tax escrow account to the Sedgwick County Treasurer's Office by the City of Wichita for the term of the lease.

The lease amendment has been negotiated with Air Capital Community Development Company and signed by authorized representative.

Motion--
--carried

Mayans moved that the lease amendment be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Schlapp absent).

ORDER OF SUCCESSION

RESOLUTION ESTABLISHING THE ORDER OF SUCCESSION AS MAYOR OF THE CITY.

WHEREAS, Section 2.04.032 of the City Code provides that the City Council is to designate from the membership thereof, members to serve as Mayor in the absence from the City of the Mayor, Vice Mayor, or other Council Members:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WICHITA, KANSAS:

SECTION 1. That the order of succession as Mayor of the City of Wichita, Kansas, in the absence therefore of the Mayor and the Vice Mayor or other Council Member shall be:

Council Member Lambke
Council Member Schlapp
Council Member Gray
Council Member Martz
Council Member Fearey

SECTION 2. This Resolution shall be in force and effect after its due passage.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent).

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RESOLUTION NO. 04-597

A Resolution establishing the order of succession as Mayor of the City of Wichita, Kansas, in the absence from the city of the Mayor and the Vice-Mayor, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

UNFINISHED BUSINESS

BILLBOARD SIGNS ORDINANCE AMENDING OFF-SITE BILLBOARDS SIGN REGULATIONS (TITLE 24.04) (DEFERRED OCTOBER 19, 2004)

Kurt Schroeder Office of Central Inspection reviewed the Item.

Agenda Report No. 04-1036A

On May 4, 2004, the City Council passed a six-month "Off-Site Billboard Moratorium" to allow time to conduct a study of billboard sign regulations, to obtain public comment on current or proposed billboard sign regulations, and to develop and adopt any appropriate Sign or Zoning Code amendments relating to off-site billboard signs. The Council set an initial four-month target for completion of the above, with an option to extend an additional two months, if necessary. On August 17, 2004, the Council extended the moratorium until the end of the six-month moratorium period (until 11/4/2004). The extension provided staff additional opportunity to complete review of proposed code changes with the billboard sign industry before final ordinance presentations/hearings before the Metropolitan Area Planning Commission (MAPC) and the City Council.

The draft proposals first presented to the billboard sign industry in August included nearly every suggestion made at District Advisory Boards; during the preliminary June presentation to the MAPC; and/or by individual Council members in Council workshops in May and June or in follow-up Council member meetings with staff. After significant review and discussion between staff and sign industry representative on the draft proposals, a number of significant sign code amendment "alternative" recommendations were jointly developed by staff and the sign industry.

At its September 28, 2004 City Council workshop, the Council directed staff to prepare proposed Sign Code ordinance amendments reflecting the joint staff and industry "alternative" recommendations. Following the September 28th workshop, ordinance amendments were finalized for presentation and public hearing at the October 7, 2004 MAPC meeting. At its October 7th meeting, the MAPC received public comment on the proposed ordinance amendments, and recommended that the City Council approve the proposed Sign Code ordinance amendments.

At its October 19, 2004 meeting, the City Council deferred action on the proposed ordinance amendments until November 2, 2004. The Council directed staff to meet with off-site billboard industry representatives a final time before November 2, 2004 to review the proposed amendments relating to the minimum distance of new or enlarged off-site billboard signs to residentially-zoned lots or structures. Such meeting was conducted on October 27, 2004.

As a result of the October 27th meeting, an additional "Exception" has been added to Section 24.04.222.4.d of the Sign Code (bottom of page 10 and top of page 11 on the DELINEATED amended ordinance) that would allow billboard signs facing highways or freeways to be as close as 150' to residential zoning or structures. All other new or enlarged billboard signs would have to be at least 300' from any residential zoning lot or structure, as previously proposed.

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The proposed Sign Code ordinance amendments, all relating to off-site billboard signs, include the following:

- Revised definitions for off-site billboard signs, including a new classification/definition for smaller-size billboards (“junior billboards”), and new regulations outlining locations where only the junior billboard signs may be erected. These proposed amendments will greatly reduce the maximum allowed size of new or replacement billboards located on “LC”-zoned lots that front arterial roads (300 square foot maximum as opposed to current 672 square foot maximum/up to 825 square foot maximum with allowed extensions).
- Removal of the linear frontage of any parcels/lots located in CUPs, PUDs or Zoning Overlays (that do not allow off-site billboard signs) from the minimum linear measurement calculation within/between mile section line roads. This proposed amendment will significantly reduce the maximum number of billboard signs allowed in most areas of the City, and would significantly reduce the number of billboard signs that are currently allowed on “LC”-zoned lots.

In addition, a proposed amendment to Section 24.04.222 would limit the maximum number of off-site billboard signs on “LC” lots along designated arterial roads to no more than two within any given mile road section (a maximum of up to three such signs are currently allowed).

- Elimination of the current code exception for increased billboard sign height when any part of the sign is located within three feet of a building roof or parapet of a one-story building (signs could still be cantilevered over such buildings, however).
- Addition of language requiring that any building over which a cantilevered billboard sign is to be erected is constructed PRIOR to issuance of a new off-site billboard sign permit.
- Significant increases to the minimum distance of new or enlarged billboard signs from residential structures and/or platted and “buildable” residential zoning lots (300’ minimum distance, or 150’ minimum distance if the sign is fully screened from view of a residential /structure lot by a non-residential building). Since the October 19, 2004 Council meeting, an additional exception allowing new or enlarged billboard signs that front highways or freeways to be 150’ from residential zoning or structures, without full screening of the sign. However, such highway billboards would have to provide appropriate screening panels to hide the structural elements of the sign (excluding the pole) from the residential area.
- Inclusion of a “Special Review Approval” process for new or replacement off-site billboard signs that are to be located closer to residential structures or lots than the minimum distances outlined in the above Item. The proposed process is similar to the Unified Zoning Code “conditional use” approval process, requiring notification of property owners within 200 feet of the billboard site, a public hearing and action by the MAPC, and if protested or appealed, a final action by the City Council.

There are no costs to the City associated with the proposed ordinance amendments. Except for the Special Review Approval application fee, there are no fee increases proposed with respect to sign permits, sign contractor licenses or permit/license renewals.

The proposed ordinance amendments have been reviewed and approved as to form by the City of Wichita Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

David Mulhagen

Mr. Mulhagen who is with Clear Channel Outdoor Advertising stated Kurt Schroeder has worked very hard with them and they as an industry has worked very hard with him and appreciate what they have today.

Motion--
--carried

Mayans moved that an emergency be declared and the Ordinance be adopted on first reading. Motion carried 6 to 0, (Schlapp absent).

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ORDINANCE NO. 46-396

An Ordinance amending Sections 24.04.185 and 24.04.222, and repealing the originals of said amended Sections; and creating new Section 24.04.225, all in the Code of the city of Wichita, Kansas, and pertaining to the Sign Code of the City of Wichita, Kansas. Mayans moved that the Declaration of Emergency be approved and the Ordinance be placed upon its passage and adopted on first reading. Motion carried 6 to 0, (Schlapp absent). Yeas; Brewer, Fearey, Gray, Lambke, Martz , Mayans.

NEW BUSINESS

APPEAL-DEMOSS

APPEAL FROM AN ORDER OF THE CHIEF OF POLICE TO REVOKE THE PRIVATE SECURITY PERMIT FOR DAVID D. DEMOSS.

Mayor Mayans Mayor Mayans read aloud the hearing process.

Robert Lee Deputy Chief of Police reviewed the Item.

Agenda Report No. 04-1073

On August 19, 2004, Mr. David D. DeMoss completed a private security new applicant form, seeking to obtain a temporary private security permit. During the completion of the application, several questions were not answered truthfully by Mr. DeMoss. Because of this action by Mr. DeMoss, a letter was sent to him on October 7, 2004 notifying him that the Wichita Police Department was revoking his private security permit for falsifying information regarding criminal history. Mr. DeMoss was informed in the letter that the revocation was based on City ordinance 3.72.080 which states "the permit for private security officer issued by the Chief of Police may be suspended or removed for cause by the latter without notice; provided, that the permittee shall immediately be given notice of the cause of such suspension or revocation and an opportunity to be heard. The Chief of Police, after the hearing, may make an order affirming the suspension and revocation, and the permittee shall have the right to an immediate appeal to the City Council."

On October 20, 2004, at 11:00 a.m., a hearing regarding the revocation of Mr. DeMoss's permit was conducted by the Chief of Police. Because the matter was not resolved during this hearing, Mr. DeMoss, has continued the appeal process to the City Council

The Wichita Police Department sent a letter to Mr. David D. DeMoss notifying him that his private security permit was being revoked for falsifying information on his most recent application.

If the City Council upholds the decision of the Chief, the permittee has the further option of appealing to the district court, pursuant to state statute. Such an appeal would not stay the order of reclassification.

Mayor Mayans Mayor Mayans asked if Mr. DeMoss had answered yes on the application, if he would have been eligible for the permit.

Robert Lee Deputy Chief of Police said he would not and that there is generally a ten-year window and that Mr. DeMoss would be eligible to apply in July 2005.

David DeMoss Mr. DeMoss stated that he was 14 years old when all of this happened and to his knowledge or ignorance, he did not realize that he needed to disclose this information on the application. Stated that he did receive a temporary permit four years ago and that he has never disclosed this information on any job applications and thought that juvenile records were sealed. Stated that he is trying to work part-time to pay off some bills and that he has turned around his life from the past and has no adult record. Stated that he is 24 years old and will be 25 next summer.

Council Member Gray Council Member Gray stated that it may be advantageous to change the wording on the application for clarification matters so that this would not happen again.

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- Council Member Brewer Council Member Brewer stated that the application form needs to be very clear, precise and specific and asked what other cities are doing and would like to see this process researched.
- Gary Rebenstorf Director of Law stated that one of the prerequisites for qualifying is that the person not have any felony convictions nor shall have been adjudged to be a juvenile offender of the result of the commission of any act that would constitute a felony. Stated that since he has this juvenile offender record, it counts as far as being the same as an adult conviction record and therefore he would not qualify for the permit under the ordinance requirements for the permit. Stated that the form is based upon the ordinance requirements.
- Mayor Mayans Mayor Mayans requested that an amendment to the Ordinance be brought back to the Council regarding the 10-year window.
- Council Member Fearey Council Member Fearey stated that the 10-year window would not be bad if you are talking about an adult but that when we are looking at young people, that people change a lot and would like to see a lesser amount of time for a juvenile.
- Motion--
--carried Mayans moved to uphold the decision of the Chief of Police regarding the revocation of the permit. Motion carried 6 to 0, (Schlapp absent).

SALONS OF HOPE

SALONS OF HOPE-CUTTING OUT DOMESTIC VIOLENCE.

Capt. Felicia Norris Wichita Police Department Patrol North Bureau, reviewed the Item.

Agenda Report No. 04-1074

The Wichita Police Department and YWCA Wichita have worked together for years in the battle to fight domestic violence. This fall, we will expand this partnership by offering a new program to the Wichita-Sedgwick County community: Salons of Hope: Cutting Out Domestic Violence. The program is patterned after an initiative, entitled "Cut It Out" that began in Birmingham, Alabama in 2002. The YWCA Wichita is initiating a localized version of the "Cut It Out" program for the Wichita-Sedgwick County area.

The goal of the program is to make the salons of Wichita-Sedgwick County a safe place where victims of domestic violence can receive information and resources for help. Salons are recognized as a place where women go and foster a comfortable environment for discussion. Salon professionals are in a unique position to offer help to victims of domestic violence.

This initiative will train salon professionals in recognizing patterns of domestic abuse in their clientele. Professionals will learn about domestic violence, its causes and effects. They will also learn law enforcement and court practices and resources that are available in our community. Following the training, salon professionals will be able to:

- ü Demonstrate awareness of the prevalence of domestic violence;
- ü Recognize signs of domestic abuse in clients;
- ü Direct abused clients to local resources and/or the National Domestic Abuse Hotline (1-800-799-SAFE);
- ü Communicate a sense of empathy for abuse victims and feel confident that he/she can make a difference in the lives of these clients;
- ü Demonstrate an understanding of the courtroom procedures and protocols.

Improving the response to domestic violence is one of the 2004 Strategic Agenda goals for the Wichita Police Department. Training salon professionals within the Wichita- Sedgwick County area will expose more community members to the plight of domestic violence, improve community understanding of the cycle of abuse, and help more citizens recognize the pattern of domestic violence abuse. The salon professionals will not be mandatory reporters, but will have resource and referral information to provide to clientele. This will include, decals, fliers, brochures, and posters explaining domestic violence, phone numbers, and local resources, i.e. shelters and domestic violence programs.

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None. The YWCA will provide funding for posters, brochures, decals, videos, and other resource materials for the program.

The Domestic Violence City Prosecutor Unit will participate in the training sessions.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 6 to 0, (Schlapp absent).

(Council Member Brewer momentarily absent).

G.O. BONDS

CURRENT REFUNDING OF GENERAL OBLIGATION BONDS, SERIES 2004B & 2004C ADVANCED REFUNDING OF GENERAL OBLIGATION BONDS, SERIES 2004D.

Kelly Carpenter

Interim Director of Finance reviewed the Item.

Agenda Report No. 04-1075

The City is planning to offer for sale three series of general obligation refunding bonds totaling approximately \$76,240,000. The Series 2004B Bonds will refund the Series 733, 739, 746 and 748 Bonds. The Series 2004C Bonds will refund the Series 753, 757 and 954 Bonds. The Series 2004D Advanced Refunding Bonds will refund the Series 750, 752, 756, 758, 760, 950 and 955 Bonds. The pricing of the bonds is anticipated to occur in mid-November and will be priced based on favorable market conditions. Staff has been studying the potential of creating debt service savings by refunding all of the above listed Series and is seeking Council authorization to proceed with the structuring of a negotiated refunding bond issue.

State and federal law permits local governments to issue refunding bonds that replace previously issued and currently outstanding bonds. If the bonds being refunded are currently callable, they can be refunded with "current refunding" bonds, without limitation as to the number of times the original bonds have been refunded. If the bonds being refunded are not currently callable, they can only be refunded with "advance refunding" bonds. Tax-exempt bonds originally issued after the effective date of the 1986 Tax Reform Act can only be advance refunded once. The Series 2004B and Series 2004C Bonds contain current series of bonds that are callable and can be refunded using a current refunding scenario. However, the Series 2004D Bonds contains bonds that are not currently callable and are therefore, only eligible to be advance refunded.

Staff has investigated the savings potential from these refundings and has determined that significant savings in debt service costs can be obtained. Based on current bond market conditions, it is estimated that approximately \$3.64 million in debt service costs can be saved allocated annually in the Debt Service Fund through 2015, with a present value of approximately \$3.47 million.

Staff recommends using a negotiated approach to selling the refunding bonds because of the potential for volatility in the bond market and the need for specialized structuring expertise and other administrative assistance that underwriters can provide in a negotiated transaction, which results in achieving optimal savings. A Request for Proposal for negotiated underwriting services was sent to six firms. Five firms responded to the RFP. The underwriting firm of AG Edwards was selected to be the Senior Managing Underwriter of a syndicate of other underwriting firms.

Because of the complexity of the issues, it is in the best interest of the City to utilize a financial advisor. The financial advisor will be aide in the structure, timing, marketing, terms and perhaps most importantly, oversee the fairness of the pricing. Staff will use the services of a financial consultant, Springsted Public Financial Advisors, to assist in the analysis and bond structuring needed for this task. Springsted is the financial advisor to Sedgwick County, selected through a competitive selection process. The preferred schedule for the refunding will have pricing completed immediately prior to the regular meeting of the City Council on November 16. However, if the pricing does not generate a sufficient level of savings prior to the November 16th meeting, the managing underwriter and staff will develop a tentative schedule that will target the workshop meeting on November 23rd or will establish a

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reasonable range of business days during which Council members will be asked to be available for a brief special meeting to finalize the transaction.

On Thursday, October 14, the US Treasury halted the issuance of State and Local Government Securities (SLGS). In a typical advanced refunding, SLGS are purchased until the time that the bonds can be called. The interest rates of the SLGS are arranged to comply with arbitrage restrictions. Due to the fact that the Treasury halted the issuance of SLGS, the proceeds from the refunding bonds will be used to purchase open market securities. As part of the contract, Springsted's staff will purchase and set up the escrow so that the investments do not fall prey to arbitrage issues.

The estimated present value savings of \$3.47 million is equal to approximately 4.9% of the par amount of the bonds being refunded. Generally accepted standards for determining the appropriate level of savings in a bond refunding suggest a minimum 3% as the threshold. The proposed refunding far exceeds the minimum threshold. Based on that standard, the proposed refunding is financially sound. The cost of the Underwriter will be based on the total par amount of the bonds issued. The estimated cost of the underwriter's fees of approximately \$240,000, the cost of the financial advisory services which will not exceed \$72,340, and other expenses such as rating fees, Escrow Agent fees, Paying Agent fees, Bond Counsel fees and other expenses associated with the issuance of the bonds have all been anticipated and deducted from the amount of savings that the refunding issue will generate.

Principal financing documents will be prepared by the City's Bond Counsel, Hinkle Elkouri, and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that Springsted be authorized to perform financial advisory services for the City, staff be authorized to proceed to negotiate a current refunding of the Series 733, 739, 746, 748, 750, 752, 756, 757, 758, 759, 760, 950, 954 and 955 Bonds with the local underwriting syndicate led by AG Edwards, and the resolution of intent be authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

GIS MIGRATION

GIS MIGRATION SERVICES-APPROVAL OF CONTRACT.

Brenda Martin

GIS Manager reviewed the Item.

Agenda Report No. 04-1076

In 1992, the first Geographic Information System (GIS) application was introduced with the approval of the street centerline pilot project, one new staff person, and the endorsement of Environmental Systems Research Institute (ESRI) GIS software as the primary GIS platform. Over time, the number of GIS databases (commonly called "layers") increased from one street centerline to over 200 layers, and the number of City GIS users increased to over 200. Most City departments use GIS for daily decision-making, improving customer service and operational efficiency. GIS data and applications also serve the public by providing information via the City of Wichita website.

ESRI recently changed the database structure for GIS layers, requiring the City to migrate the data structure to accommodate this new model. This project will provide system design and implementation, data migration, and application migration, and is necessary so as to insure that the GIS systems used by the City of Wichita will remain sustainable for the future.

A Selection Committee of six was formed to evaluate proposals and select a consultant to perform this project, in accordance with AR 7. The Committee unanimously selected ESRI as the number one consultant during the initial evaluation, and again after interviewing the top four consultants. Evaluation elements included experience, technical evaluation, City participation, quality assurance measures, overall impression, and project approach. ESRI met all of the evaluation criteria and offered a complete solution with a fixed price for all tasks requested in the RFP Scope of Services. The IT/IS Advisory Board approved the Committee recommendation.

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The cost of this contract will not exceed \$461,038, and includes required design, migration, and programming services. The project is funded in a GIS Development project fund set aside for GIS improvements.

The contract will be reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the selection of ESRI for the GIS Migration Services project be and the contract authorize the necessary. Motion carried 6 to 0, (Schlapp absent).

CIP PROJECTS

2004-2013 CAPITAL IMPROVEMENT PROGRAM CHANGES – STORM WATER PROJECTS. (DISTRICTS I, III, AND VI)

Chris Carrier

Interim Public Works Director reviewed the Item.

Agenda Report No. 04-1077

On February 10, 2004 the City Council approved the 2004 to 2013 Capital Improvement Program. As it was approved, the program included \$400,000 in local (General Obligation Bond) funding in 2004 and 2005 for the Gypsum Creek Urban Stream Restoration Project. This money was intended as the local match portion of an anticipated \$600,000 KDHE grant to restore the section of Gypsum Creek, between Woodlawn and Harry, to an improved environmental and aesthetic condition without any flood mitigation benefits. The project was recommended in a basin master plan report that was also prepared with the assistance of a KDHE grant.

The current C.I.P. also contains a total of \$9.0 million for the construction of the 1st Street Northwest Storm Sewer Outfall, as well as \$950,000 for the Murdock at Wabash Drainage Project.

As Council Members will recall, there were nine drainage projects that were proposed for funding in the C.I. P. that were approved, but left unfunded when the Council decided not to raise the Storm Water Utility ERU fees as had been proposed. Amongst those projects were the Gypsum Creek Improvements, Pawnee to Woodlawn; 1st and 2nd Street East Storm Sewer Outfall; and the Dry Creek ROW (Flood Mitigation) Project. These three projects will help to solve residential and commercial flooding problems.

Given the fact that the three mitigation projects referenced above were left unfunded, it is difficult for staff to recommend that we utilize \$400,000 in local funds to construct the Gypsum Creek Urban Restoration Project that would have no positive impact on flooding. Additionally, when the 1st Street Northwest Outfall was bid on September 24, 2004, bids came in substantially below the engineers' estimate, allowing us to free-up \$2.5 million of the budgeted \$9.0 million. Also, when the Murdock at Wabash Drainage Project was bid earlier this year, the low bid was \$1,310,000, or \$360,000 above the authorized construction amount.

Thus, due to project savings and the redirecting of approved funds, there is \$2,900,000 in drainage funds that can be reprogrammed.

Staff recommends that these funds be used for the following projects:

1. Murdock at Wabash Drainage	Add'l Construction -	\$ 500,000
2. Dry Creek ROW (Flood Mitigation)	Property Acquisition -	\$ 2,000,000
3. Gypsum Creek – Pawnee to Woodlawn	Design Only -	\$ 110,000
4. 1st and/or 2nd Street East Storm Sewer Outfall -	Design Only -	<u>\$ 290,000</u>
	TOTAL:	<u>\$ 2,900,000</u>

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--

Mayans moved that the 2004-2013 C.I.P. by removing the Gypsum Creek Urban Restoration Project be amended; the funding required for the 1st Street Northwest Storm Sewer Outfall be adjusted; funding for the Murdock at Wabash Drainage Project be increased; the Dry Creek R.O.W. (Flood Mitigation) Project be funded, and funds to design the Gypsum Creek, Pawnee to Woodlawn, and the 1st and/or 2nd Street Storm Sewer Outfall Projects be added; the necessary bonding resolutions be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

RESOLUTION NO.04-598

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the design of public improvements for the 1st and 2nd Street East Outfall (SW860501), presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

RESOLUTION NO.04-599

A Resolution amending Resolution No. 04-151, relating to the issuance of Bonds by the City of Wichita at Large for construction of public improvements at Murdock @ Wabash (SW8620405), presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

RESOLUTION NO.04-600

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for Dry Creek Right-of-Way, flood mitigation, (SW860602), presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz,, Mayans.

RESOLUTION NO.04-601

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the design of public improvements on Gypsum Creek, Pawnee to Woodlawn (SW860404), presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

SANITARY SEWER

SANITARY SEWER TO SERVE AN AREA NORTH OF ESTHNER, WEST OF WEST STREET. (DISTRICT IV)

Jim Armour

Acting City Engineer reviewed the Item.

Agenda Report No. 04-1078

On February 10, 2004, the City Council approved a project to construct a sanitary sewer along Florence and Esthner, west of West Street. An attempt to award a contract within the budget set by the Resolution was not successful. An amending Resolution has been prepared to increase the project budget.

The project will serve a partially developed industrial area. The lack of City sewer service is hindering continued development of the area.

The existing budget totals \$85,000. The new budget totals \$99,000. The funding source is special assessments. The estimated rate of assessment increases from \$00.269 to \$00.313 per square foot of ownership.

State Statutes provide the City Council authority to increase the budget by amending Resolution. This Item is presented as New Business because of the increase in special assessments. Affected property owners have been notified.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--carried

Gray moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-602

A Resolution amending Resolution No. 04-052 pertaining to constructing lateral 13, Main 14, Southwest Interceptor Sewer (north of Esthner, west of West Street) 468-83772, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

KDOT

PROJECT FUNDING REQUESTS TO THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT).

John Schlegel

Director of Planning reviewed the Item.

(Council Member Martz momentarily absent).

Agenda Report No. 04-1079

Transportation Enhancement is a funding category under the Transportation Equity Act for the 21st Century (TEA-21). The Kansas Department of Transportation (KDOT) will receive applications for Enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT's funding eligibility criteria. The three categories under enhancements are: 1) historic, 2) scenic and environmental, and 3) pedestrian and bicycle facilities. Kansas's share for these three Enhancement categories is about \$17 million for fiscal years 2006 and 2007. Applications sponsored by the City of Wichita will compete for these funds with other statewide projects. Only tax-levying entities can sponsor applications. KDOT will announce the awards in the May of 2005.

As part of this year's application development process, MAPD provided opportunities for public support and review of projects. In addition to holding a special public meeting on the enhancement program, staff has made presentations before three District Advisory Boards, Board of Parks Commissioners, the GreenWays Alliance Committee, and the Metropolitan Planning organization to receive input and support for these projects.

A minimum 20 percent local match is required for each project. However, it is recommended that the City provide a 30 percent local match to enhance the chances of Wichita projects being selected over other statewide applications. The cost of construction, right-of-way acquisition, utility relocation, and construction engineering is eligible for federal funding, but the cost of design is a local responsibility.

The total cost of proposed projects is \$3,729,358 and if all the projects are selected by KDOT then the City of Wichita's matching share will be \$1,386,865. In the past, the City of Wichita has submitted applications under the Transportation Enhancement program, but not all applications were funded. The city of Wichita CIP has set aside \$800,000 in local matching funds for years 2006 and 2007 for enhancement projects. If all projects are selected, then additional local funding will need to be identified in a future CIP.

The Transportation Enhancement projects require: (1) a certification that no known or foreseeable legal impediments exist that would prohibit completion of the projects; and (2) a resolution that the City of Wichita will accept the responsibility for coordinating the projects and funding the local match.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the proposed project applications be approved; the resolution accepting responsibility for coordinating the projects and funding the local match be adopted and Staff authorized to submit project requests to KDOT. Motion carried 6 to 0, (Schlapp absent).

--carried

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RESOLUTION NO. 04- 608

A Resolution of the City of Wichita to approve the filing of applications for Transportation Enhancement Projects to KDOT, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

HUD

HUD CONSOLIDATED PLAN PROCESS.

Tom Smith

Acting Assistant Director of Finance reviewed the Item.

Agenda Report No. 04-1080

In 1995, the Department of Housing and Urban Development (HUD) issued new regulations regarding the planning and application process for three grant programs. HUD requires local governments to submit Consolidated Plans and combined applications for the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and Home Investment Partnership Grant (HOME) programs. In 2004, the City of Wichita developed its 2004/2008 Consolidated Plan and established priority needs. In addition, the One-Year Action Plan, outlining specific activities and grant funding sources for the fiscal year, is also part of the HUD requirements. It is now time to develop the annual One-Year Action Plan submittal required for the 2005/2006-program year.

Preparation of the 2005/2006-program year is based on the action taken by the City Council on November 18, 2003 regarding the 2004/2008 Priority Needs and actual City Council allocation in 2004. The City Council is requested to consider designating and reserving special funding and allocations.

Funding Reservations and Designated Funding - For the past few years, the City Council has revised its procedure to ensure special programs (priorities) would be addressed on an outcome basis. Through a Request for Proposal (RFP) process, those programs felt to be high priority (and traditionally funded from grant sources) were developed based on a required "scope of services" where performance could be monitored and evaluated. In the past, such programs included Youth Employment, Women/Family Crisis Shelters, and Youth Recreation/Enrichment Programs (Public Services). To meet previously established goals, it is recommended that the City Council continue those programs in the 2005/2006 allocations.

In addition to the (above) designated programs, the following allocations are being proposed:

1. Streets, Curbs, Gutters, and Handicapped Improvements
2. Environmental Health-Inspectors
3. Neighborhood Improvement Services & Grants Programs
4. Neighborhood Stabilization
5. Community Education Program
6. Neighborhood Assistance-District Advisory Boards
7. Historic Preservation/Mandated Activities
8. Consolidated Plan Program Grant Administration (Direct and Indirect costs)
9. Neighborhood Clean Up

The City Council needs to determine if these programs - traditionally funded - should be designated and funding reserved and if there are other special programs desired by the City Council that should be reserved, such as additional neighborhood revitalization and improvement projects.

Previous City Councils have addressed: funding priorities; reservation of CDBG funding for special priority programs/services and capital projects; programs to be solicited from the RFP process to encourage collaborative and cooperative efforts among service providers and lower costs; designation of City provided services/programs traditionally funded from CDBG and HOME funds; and targeting of funds for neighborhood stabilization efforts.

HUD estimates that the CDBG, HOME and ESG funding will be reduced for the next fiscal year. Although final grant amounts are not known at this time, it is estimated that \$5.4 million in

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Consolidated Plan funding will be available for allocation during the 2005/2006-program year. This total is comprised of approximately \$3.4 million in CDBG; \$1.9 million in HOME; and \$127,712 for Emergency Shelter Grants.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded. These are listed for each Grant as follows:

CDBG	\$1,163,000 Public Services 20% Planning and Administration
HOME	15% Neighborhood-Based Non Profits (Minimum required allocation for CHDO's) 10% Administration
ESG	30% Essential Services 30% Homeless Prevention 5% Administration

Allocation of Consolidated Plan grant funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low-income persons, or addressing conditions of slums or blight.

The process by which grant funds are authorized by the City Council is a matter of local determination. That is, the City Council is not obligated to solicit funding applications unless it desires to do so. The City Council may also reserve grant funds for community priority needs and programs, as determined by the City Council.

Mayor Mayans	Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
Council Member Brewer	Council Member Brewer asked if all the Districts are covered under the CDBG for neighborhood assistance.
Tom Smith	Acting Director of Finance stated no, that under the neighborhood assistance, it provides funding for four locations and the other locations are funded by general funds. Stated that Districts II and V are not eligible for block grants.
George Kolb	City Manager stated that the Council could decide to use all general fund monies to program your neighborhood assistance, which would free up the CDBG monies to do other programs.
Tom Smith	Acting Director of Finance stated that the purpose of the CDBG program is for capital and housing. Public services are limited by Federal Law and that is the category that we are talking about. Stated that there is a maximum cap that is applied by the federal government to public services and one of the reasons we fund the neighborhood assistance program is that it is part of the citizen participation process and they are required to have a citizen participation plan in the district advisory boards and the neighborhood city halls assist in meeting that federal requirement.
Council Member Brewer	Council Member Brewer stated that he feels we need to revisit some of the CDBG funds and the allocations as to where they are actually being administered and possibly utilize them a little differently and maybe some of those things could be paid for out of the general fund and release those CDBG funds where they can go in and help out in other areas.
George Kolb	City Manager stated that CDBG funds are a combination of funding from all sources such as the general fund, capital improvement fund as well as CDBG. Stated that in some cases CDBG funds are used to supplement projects that are scheduled for capital improvement work and we may want to use CDBG funds to go above and beyond what we might normally do in your capital improvement fund. Stated that you have to look at the total program picture, utilizing various sources of funding.

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Motion-- Mayans moved that consideration be given to the policy issues involved, including determinations on establishment of priorities for allocations and reservation and dedicated program funding (to be determined by the Council), and the process for development of its 2005/2006 Consolidated Plan be approved. Motion carried 6 to 0, (Schlapp absent).

--carried

COURT JUDGES

MUNICIPAL COURT JUDGE COMPENSATION

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 04-1095

Charter Ordinance No. 191 provides that the compensation of Municipal Court Judges shall be set by the City Council. The ordinance also provides that the judges will be evaluated according to procedures established by the City Council.

Pursuant to Charter Ordinance No. 191, the "City Council Policy on the Evaluation Procedures for Wichita Municipal Court Judges" provides the process for evaluating and compensating Municipal Court Judges. The Evaluation Committee established by the policy-conducted evaluations of the judges.

The Evaluation Committee is composed of two City Council members, a Sedgwick County District Court Judge, the Wichita Bar Association President, and a member of the public. Carl Brewer and Sue Schlapp are the City Council members of the Committee. Dr. Biff Green, President of Friends University, is the public member, Sedgwick County District Court Judge Clark Owens is the District Court Judge member, and the President of the Wichita Bar Association, is the Bar Association member. The Evaluation Committee recommended that each judge receive a 2% cost of living increases for 2004, 2005, and 2006, and a 5% merit increase, retroactive to April, 2004.

The cost of the salary increases is budgeted in the Municipal Court Budget.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Sasepra Lee Ms. Lee who resides at 1545 North Brunswick stated that she is opposed to a pay increase of 7% and would like to know what justifies this increase. Stated that she believes that a pay increase equal to the rise in inflation, would be fair to the fellow citizens in Wichita. Asked why the judges should get special treatment and stated that their salaries come from every tax payers' pockets.

Motion-- Brewer moved to approve general pay adjustments and salary increases for Municipal Court Judges, and approve necessary budget adjustments. Motion carried 6 to 0, (Schlapp absent).

--carried

TICKETING SYSTEM COMPUTERIZED TICKETING SYSTEM FOR CENTURY II. (DISTRICT I)

Doug Kupper Director of Parks and Recreation reviewed the Item.

Agenda Report No. 04-1081

Century II has relied on outside vendors to sell tickets to the events held at the facility in past years. It is desirable for the City to operate the box office to maintain control of the complete ticketing system. Control of the box office will also provide Century II the latitude to set charges and fees with the best interest of the public and building clients in mind. With the variety of events held at Century II, it is critical that appropriate fee schedules are available to meet the needs of shows.

The recommended system is designed to allow local Arts organizations to buy into the system, allowing them to utilize features such as: fundraising, market research, real time reports of current ticket sales, and advertising channels not currently available to them. It offers the ticket buyer the convenience of browsing seating charts for best tickets, real time sales, access to complete inventory, and print at home

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tickets. Century II will benefit from automated accounting of all ticket sales, greatly improved access control, and added revenue streams from advertising opportunities.

City staff evaluated 12 vendor proposals before selecting The Patron Edge as the best system available for the cost, as well as a system that is compatible with hardware and programs currently used by the City of Wichita. Financial reports and statistical information can easily be shared with the appropriate City departments. This system is robust enough to serve as a marketing tool for visitors using the City, CVB and Century II web sites.

The Patron Edge system will cost \$274,378 to purchase, and the annual operating cost for the box office operation, licensing agreement and IT/IS support is estimated to be \$254,102. The box office will generate revenues of \$350,000 annually for the City. After the initial purchase, the box office operation should net \$96,000 in the first year and increase in future years. Funds to purchase the new ticketing system and staff to operate the box office are included in the 2004-revised budget.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey Council Member Fearey asked Mr. Kupper to explain what his staff has done in trying to work with the county and why at this time it is not possible for those two groups to work together on the ticketing system.

Doug Kupper Director of Parks and Recreation explained that there have been two separate ticketing systems in Sedgwick County for the last twenty years. Century II opened in 1969 with the Central Ticket Agency as the primary ticket provider for the building and when Sedgwick County built the Coliseum, they chose to purchase their own ticketing system for that venue. Stated that the Central Ticket Agency did use select-a-seat on a number of occasions to outsource the selling of certain tickets. Stated that when they first knew they were going to be without box office services, the county did offer them the services but they thought the fees were extreme and they also wanted to research what was available because in their opinion the way they were doing business was a little old-fashioned from what they wanted to provide their clients in Century II. Stated they did the RFP based on a computerized system that was expandable and that had internet capability that was mobile enough that the promoters could take the ticketing systems out into their offices or in the malls. Through the RFP process they also discovered that the main support system for select-a-seat was selling tickets.com and that their system was going to be non-supportive come 2005. Stated that the system that was being offered to us by select-a-seat in the RFP process was not even going to be available to them after the first of the year because it was not going to be supported by the overriding company, tickets.com. Stated that they invited them to look at their system and withdraw as a respondent to the RFP so they could look at all 12 responses that they received to get a better handle on why they chose the preferred vendor that they were going with. They reviewed it and were shown a full demonstration by the vendor but they still decided that they want to do their own RFPs and see if there is a better system out there. Stated that he feels they have exhausted all possibilities of trying to come to an understanding and conclusion that is in a timely fashion for us since we know what system we want and what capabilities and expansion we want and thought it would be prudent to go forward with the purchase.

Motion-- Brewer moved that the purchase be authorized; the personnel required to operate the box office and the budget transfers be approved; and the necessary signatures authorized. Motion carried 6 to 0
carried (Schlapp absent).

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PLANNING AGENDA

John Schlegel Planning Director stated that Items 26, 33 and 34 are non-consent Items and he will be presenting them today.

Motion-- Mayans moved to approve the consent planning Items 27 to 32, and to withhold Items 26, 33 and 34..
-- carried Motion carried 6 to 0, (Schlapp absent).

(Item 26)
VAC2004-35

VAC2004-35-REQUEST TO VACATE MULTIPLE PLATTED EASEMENTS LOCATED MIDWAY BETWEEN OLIVER AVENUE AND EDMOOR DRIVE ON THE SOUTHEAST CORNER OF KELLOGG AVENUE AND PINECREST AVENUE. (DISTRICT II)

(Mayor Mayans momentarily absent, Vice-Mayor Brewer in the chair.)

John Schlegel Planning Director reviewed the Item.

Agenda Report No. 04-1082

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (10-1)

The applicant proposes vacation of multiple platted easements (see legal) located on Lots 1, 2 & 8, Cain and Smith's Replat of a part of Block 3, the Beverly Manor Addition and Lot 2, New Western Addition. The Cain and Smith's Replat of a part of Block 3, the Beverly Manor Addition was recorded July 1, 1992. The New Western Addition was recorded March 28, 1985.

There is an existing encroachment (building) on the 14-foot easement located on Lots 1 & 2, Cain and Smith's Replat of a part of Block 3, the Beverly Manor Addition. There are no water or sewer lines in this easement or the other easements. The applicant proposes to redevelop the site.

The MAPC voted to approve (10-1) the vacation request, minus staff's recommendation of dedication of ten feet of contingent right-of-way (ROW) along the site's Kellogg Drive frontage and staff's subsequent alternative condition (in response to the MAPC's indication of that they would delete the contingent ROW dedication) of an outright dedication of a 10-foot wide sidewalk and utility easement along the Kellogg Drive frontage. The recommendation for the contingent dedication of ROW was made per the Subdivision Regulation standards. The alternative condition of dedicating ten feet for a sidewalk and utility easement was made in anticipation of future utilities being placed in the immediate area. Staff had noted that the properties east and west of the site had, in the past, dedicated ROW along their Kellogg Drive frontage. Prior to the MAPC public hearing, the MAPC's Subdivision Committee had voted unanimously to approve the vacation request, with all of the conditions for approval including the dedication of ten feet of contingent ROW along the site's Kellogg Drive frontage. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. The applicant will provide Public Works with a sewer petition for the extension of sewer service.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey Council Member Fearey suggested that this Item be deferred since it is in Council Member Schlapps' district.

Motion-- Mayans moved to defer this Item until the November 9, 2004, meeting. Motion carried 6 to 0,
--carried (Schlapp absent).

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LOTUS ADDITION

SUB2004-24-PLAT OF LOTUS ADDITION, LOCATED ON THE NORTH SIDE OF 47TH STREET SOUTH AND WEST OF ROCK ROAD.

Agenda Report No. 04-1083

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This unplatted site, consisting of three lots on 3.44 acres, is located in the County within three miles of Wichita's city limits. This site is zoned SF-20, Single-family Residential District and RR, Rural Residential District.

Since neither sanitary sewer nor municipal water is available to serve this property, the site has been approved by the County Code Enforcement Office for the use of on-site sanitary sewer and water facilities. This site is within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement have been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

AARON GOODWIN

SUB2004-25-PLAT OF AARON GOODWIN ADDITION, LOCATED ON THE NORTH SIDE OF 25TH STREET NORTH AND EAST OF BROADWAY. (DISTRICT VI)

Agenda Report No. 04-1084

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This unplatted site, consisting of one lot on 2.45 acres, is located within Wichita's city limits. A conditional use case (CON 2003-47) has been approved for a wrecking/salvage yard. The site is zoned GI, General Industrial District. Municipal services will not be needed to service this site.

A Petition, 100 percent, and a Certificate of Petition have been submitted for future sewer improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Certificate of Petition will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat be approved, the necessary signatures authorized and the Resolution adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-604

Resolution of findings of advisability and Resolution authorizing construction of Lateral 145, Main 4, Sanitary Sewer #23, (north of 25th Street North, east of Broadway) 468-83925, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

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THORN CREEK

SUB2004-38-PLAT OF THORN CREEK FARMS ADDITION, LOCATED ON THE WEST SIDE OF GREENWICH ROAD AND NORTH OF HARRY. (DISTRICT II)

Agenda Report No. 04-1085

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of one lot on 2.5 acres, has recently been annexed into Wichita's city limits. A portion of this site has been approved for a zone change (ZON 2003-12) from SF-20, Single-family Residential District to GO, General Office District.

Municipal services are available to serve the site. A Petition, 100% percent, and a Certificate of Petition have been submitted for left-turn improvements. An Off-site Private Sewer Easement has been provided. A Restrictive Covenant has been provided for future cross-lot access with the property to the south upon redevelopment of this site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petition, Private Sewer Easement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolution adopted and the Ordinance placed on first reading, with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 6 to 0, (Schlapp absent).

--carried

RESOLUTION NO. 04-605

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane on Greenwich Road, adjacent to Thorn Creek Farms Addition (west of Greenwich, north of Harry) 472-84120, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2003-12)

BELTON ADD.

SUB2004-90-PLAT OF BELTON ADDITION, LOCATED EAST OF SENECA, NORTH OF 55TH STREET SOUTH. (DISTRICT IV)

Agenda Report 04-1086

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of one lot on one acre, is located within Wichita's city limits. The site is zoned SF-5, Single-family Residential District. Municipal services are available to serve the site.

A Petition, 100 percent, and a Certificate of Petition have been submitted for paving improvements. As requested by City Engineering, a Cross-Lot Drainage Agreement with the property to the east had been submitted.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition and Cross-Lot Drainage Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolution adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-606

Resolution of findings of advisability and Resolution authorizing improving Osage Street adjacent to Belton Addition (east of Seneca, north of 55th Street South) 472-84096, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

CON2004-00028

CON2004-00028-CONDITIONAL USE FOR VEHICLE SALES ON PROPERTY ZONED LIMITED COMMERCIAL - GENERALLY LOCATED SOUTH OF KELLOGG AND WEST OF GOVERNEOUR. (DISTRICT II)

Agenda Report No. 04-1087

MAPC Recommendations: Approve, subject to staff recommendations. Vote (11-0)

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Not applicable.

The applicant is requesting a Conditional Use to permit vehicle sales on a 1.18 acre platted tract located south of Kellogg and west of Gouverneur. The applicant owns the Scholfield Honda dealership on the abutting property to the east and proposes to expand the dealership onto the subject property, which formerly was developed with a bowling alley. The subject property is zoned "LC" Limited Commercial, and vehicle sales required approval of a Conditional Use when conducted outdoors on property zoned "LC" Limited Commercial.

The applicant submitted the site plan illustrating the proposed use of the subject property as a vehicle sales lot. As proposed, the vehicle sales lot does not conform to two requirements of the Unified Zoning Code (UZC) for vehicle sales in the "LC" district. First, Section III-D.6.x.(5) of the UZC does not permit outdoor speakers and sound amplification systems; however, the applicant currently uses an outdoor sound amplification system in operating the vehicle dealership. Second, Section III-D.6.x.(8) does not permit the use of elevated platforms for the display of vehicles; however, the applicant proposes to use an elevated vehicle display platform. Both UZC requirements are Supplementary Use Regulations that can be waived by the City Council upon receiving a favorable recommendation from the MAPC. The MAPC recommends waiving both requirements.

The surrounding area is characterized primarily by regional commercial uses along the Kellogg corridor. Most of the properties along Kellogg in this vicinity are zoned "LC" Limited Commercial and are developed with vehicle sales lots. Residential zoning and uses are located to the north across Kellogg in the City of Eastborough and to the south of the subject property.

There were no speakers in opposition to the request at the MAPC meeting on September 23, 2004. The MAPC voted unanimously to recommend approval of the Conditional Use subject to following conditions:

1. The subject property shall comply with the requirements of Section III-D.6.x. of the Unified Zoning Code, except that outdoor speakers and sound amplification systems and the use of elevated platforms to display vehicles shall be permitted.
2. The subject property shall be developed in general conformance with the approved site plan.

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3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Motion--

Mayans moved that the findings of the MAPC be adopted; the Conditional Use, subject to the recommended conditions, be approved; necessary signatures be authorized; and the Resolution be adopted. Motion carried, 6 to 0, (Schlapp absent).

--carried

RESOLUTION O. 04-603

A Resolution authorizing a Conditional Use for vehicle sales on 1.18 acres zoned "LC" Limited Commercial, located south of Kellogg and west of Gouverneur, in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans.

ZON2004-00045

ZON2004-00045-ZONE CHANGE FROM MULTI-FAMILY AND SINGLE-FAMILY TO LIMITED COMMERCIAL - GENERALLY LOCATED NORTH OF DOUGLAS AND EAST OF WEST STREET. (DISTRICT VI)

Agenda Report No. 04-1088

MAPC Recommendations: Approve, subject to platting within one-year. Vote (11-0)

DAB Recommendations: Approve, subject to staff recommendations. Vote (9-0)

MAPD Staff Recommendations: Approve, subject to platting within one-year.

The applicant requests a zone change for the subject property from "B" Multi Family and "SF-5" Single Family to "LC" Limited Commercial. The subject property is 0.4 acre unplatted tract that is located north of Douglas and east of West Street. The subject property is currently developed with a residential structure that is proposed to be razed. The proposed use of the subject property is to expand Hanna Heating & Air Conditioning that is located on abutting property to the east.

The surrounding area is characterized primarily by commercial uses along the West Street corridor. Most of the properties along the West Street corridor are zoned "LC" Limited Commercial and are developed with various commercial uses. A few properties along the West Street corridor are zoned "B" Multi Family and are developed with residential uses. These residential properties are slowly being converted through the years to commercial uses, such as is proposed for the subject property.

There were no speakers in opposition to the request at either the DAB VI meeting on September 13, 2004, or the MAPC meeting on September 23, 2004. Both DAB VI and the MAPC voted unanimously to recommend approval of the zone change subject to platting the property within one year.

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change, subject to the condition of platting within one year, be approved; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0, (Schlapp absent).

--carried

(Item 33)

ZON2004-00046

ZON2004-00046-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO OFFICE WAREHOUSE - GENERALLY LOCATED AT THE INTERSECTION OF SOUTH EXCHANGE AND WEST MACARTHUR. (DISTRICT IV)

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 04-1089

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MAPC Recommendations: Approve, without dedication of 20 feet of right-of-way on West MacArthur Road. (11-0)
MAPD Staff Recommendations: Approve subject to dedication of 20 feet of right-of-way on West MacArthur Road.
DAB VI Recommendations: Approve, without dedication of 20 feet of right-of-way on West MacArthur Road. (10-0).

The applicant requests "OW" Office Warehouse zoning on a 1-acre platted site, currently zoned "SF-5" Single-Family Residential, for an office and warehouse use at a converted fire station. The application area is North of West MacArthur and west of Exchange (600 West MacArthur), approximately ¼ mile west of I-235. The application site is a former City of Wichita fire station, built in 1967, and last used in February of 2003.

North of the application area is a large mobile home park; south of the application area, across MacArthur are several single-family residences and an apartment complex (DP 72). East of the application area are several single-family residences, vacant land, and I-235. West of the site is vacant GC zoned property and a GI zoned natural gas facility.

The MAPC heard this request on October 10, 2004, and recommended approval (11-0) without the staff recommended right of way dedication. Three residential neighbors from spoke against the application with truck traffic concerns. Staff has received four protest petitions on this case, resulting in an 11.56% protest area, which does not require a three-fourths majority vote to override

Motion--
--carried

Gray moved that Council concur with the findings of the MAPC and the Ordinance establishing the zone change be placed on first reading. Motion carried 6 to 0, (Schlapp absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON2004-00046

(Item 34)
NEWMARKET V

CUP2004-00036-ASSOCIATED WITH ZON2004-00040, CREATE DP278 NEWMARKET V COMMERCIAL COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL - GENERALLY LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V)

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 04-1090

MAPC Recommendations: Approved subject to platting within two years, and staff recommended conditions. (6-5)
MAPD Staff Recommendations: Approve subject to platting within two years and conditions.
DAB Recommendations: Not applicable.

The applicant is requesting to create DP-278 New Market V Commercial Community Unit Plan, which would be a 13.3 acre development with three parcels proposed for commercial use. The property is located west of Maize Road and south of 29th Street North. Parcel 1 is 1.35 acres and is located at the Maize/29th Street North intersection. Parcel 2 (10.98 acres) and parcel 3 (.93 acres) front Maize Road; with parcel 2 wrapping around the smaller parcel 3 at the CUP south boundary.

Proposed uses are "LC" Limited Commercial uses, except: group residences, correctional placement residences; vehicle storage yards; vehicle repair, general; outdoor storage; pawn shops; taverns; nightclubs; asphalt or concrete plants; sexually oriented business, and adult entertainment as defined by

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city code. Likewise, any use requiring a Conditional Use in "LC" shall require a CUP amendment or adjustment, as determined by the planning director.

Maximum building coverage is approximately 20 percent on all parcels. Floor area ratio is also approximately 20 percent for parcels 1 and 3, and 29 percent for parcel 2. Maximum height is 35 feet for parcels 1 and 3, and 40 feet for parcel 2. Setbacks are established at 35 feet along Maize and 29th Street North, no setbacks are given for the west and south boundary lines.

The CUP includes provisions for landscaping per Landscape Ordinance of the City of Wichita, and a pedestrian circulation system within the CUP. The CUP calls for architectural compatibility among the buildings in the CUP. Signage requested is per the standard City of Wichita signage requirements.

North of the CUP, across 29th Street North is SF-20 zoned property developed with suburban residences; this area is proposed for a health club development. Property south of the proposed CUP is the LC zoned Evergreen commercial development, owned by the Target Corporation. East of the application area, across Maize, is a single, large SF-20 zoned single-family suburban residence. West of the development is an LC zoned approved CUP (DP 269 – Spencer's Cove). Also west of the site is SF-5 zoned property under the same ownership as the application area, and designated as a drainage reserve. The US Army Corps of Engineers has notified staff that the application area, as well as surrounding areas, is classified as a jurisdictional wetland, requiring a permit for development.

At the MAPC hearing on September 23, 2004, the applicant spoke in support of all staff recommended conditions, with the exception of cross-lot circulation with the commercial CUP to the west. A representative of the bordering CUP to the west (Spencer's Cove, DP 269) spoke in support of a cross-lot circulation requirement between the two developments, as recommended by staff and the City of Wichita Access Management Policy. The MAPC voted (6-5) to recommend approval of the request subject to the following conditions:

- A. APPROVE the zone change (ZON2004-00023) to "LC" Limited Commercial subject to platting within two years.
- B. APPROVE the Community Unit Plan (DP278 Newmarket V Commercial CUP) subject to platting within two years and subject to the following conditions:
 - 1. Transportation requirements:
 - a. General Provision #5 shall be amended to add: "All access points, cross lot circulation, and right of way shall be in accordance with the City of Wichita Access Management Policy."
 - b. General provisions #13 and 22 shall be amended to strike the words "within the CUP", therefore allowing cross lot access with all abutting commercial properties along arterial streets.
 - c. The applicant shall work in good faith with the abutting Spencer's Cove CUP (DP 269) to establish cross-lot access easements and to determine associated cost responsibilities.
 - d. The CUP shall be amended to provide for a continuous acceleration/deceleration lane on Maize Road.
 - e. The CUP shall be amended to provide for ROW dedication to achieve a 60-foot half width ROW on all arterials tapering to 75 feet half width ROW within 250 feet of arterial intersections.
 - f. The CUP shall be amended to provide for a 25-foot by 25-foot "corner clip" at the arterial corner.
 - g. A General Provision shall be added to the CUP stating: "Guarantees for street improvements on Maize Road and 29th Street North shall be determined by the Traffic Engineer at the time of platting."
 - 2. General Provision #7 shall be amended to state: "All freestanding signs on 29th Street North or Maize Road shall be monument type signs, consistent in appearance with signage in the remainder of New Market Square. One sign on Maize Road may have a maximum height of 30 feet and a maximum sign face area of 250 square feet. All other signs on either street frontage shall have a maximum height of 15 feet and a maximum sign face area of 100 square feet."

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3. General Provision #10 shall be amended to add the words “excluding glass and window area” to the sentence restricting predominantly metal facades from facing Maize Road on 29th Street North.

4. General Provision #14 shall be amended to add the sentence: “A drainage plan shall be submitted to the City Engineer for approval. Required guarantees for drainage shall be provided at the time of platting improvements.”

5. General Provision #19 shall be amended state: “The development of this CUP shall include a pedestrian walk system linking the buildings on each parcel to all other buildings in the CUP, as well as to sidewalks on both 29th Street and Maize Road. As a condition for issuance of building permits on any parcel, a plan showing the walk system for that parcel must be approved by the Planning Director. The plan shall link all buildings on that parcel, connect to adjacent street sidewalks and provide connections to the boundaries of adjacent parcels in the CUP, whether or not there are existing buildings on those parcels. The plan for each parcel shall be compatible with and connect to the walks in any previously developed parcels in the CUP.”

6. A General Provision shall be added to state: “All new utilities shall be installed underground.”

7. A General Provision shall be added to state: “Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.”

8. All property included within this C.U.P. and zone case shall be platted within two years after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

9. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-278) includes special conditions for development on this property.

10. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Staff received one protest petition on this case from the Spencer’s Cove CUP (DP 269), resulting in an 22.02% protest area. This protest, greater than 20%, requires a supermajority (three-fourths) override vote of the governing body.

Council Member Fearey Council Member Fearey asked how the wetland area would impact this.

John Schlegel

Planning Director stated that until recently they did not know that it would create a big problem because the Core of Engineers had declared previously, to these property owners, that these are not jurisdictional wetlands, but recently have been informed that the U.S. Army Core of Engineers has changed their mind on that issue and it has been determined that these wetlands are jurisdictional. This has created a lot of uncertainty for those property owners as to how they will handle drainage throughout this area because with jurisdictional wetlands, it is uncertain to what extent they will be able to develop in the wetlands and off-set development activity with mitigation efforts. Stated that all of the property owners in that area are impacted by this are now having to reassess their existing development and drainage plans to see how they are going to work with the new ruling by the Core of Engineers. Stated that it is likely to take years for the Core of Engineers to get this worked out. Explained that they can develop those portions of the site that would be outside of the wetlands boundary, which we do not know specifically where that is. Explained that the cross lot circulation condition places a burden on the applicant as well as the Spencer Cove C.U.P. because that was a condition that was attached to their approval.

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- Council Member Martz Council Member Martz stated that he does not want to hold up development in this area but does not feel like we can have this issue pending, waiting to see what the Core of Engineers are going to do. Asked if there is a way to modify the cross lot circulation in order to allow the development to proceed and the C.U.P. to be approved without the cross lot circulation.
- John Schlegel Planning Director explained that in the conditions that were approved by the MAPC, there are several specific references to the cross lot circulation and if you were to eliminate that requirement of a condition of approval, then on the agenda back up, which is listed as condition 1a, the reference would have to be eliminated in that condition to cross lot circulation so that one would read, all access points and right-of-way shall be in accordance with the City of Wichita Access Management Policy and conditions 1b and 1c, would have to be eliminated in their entirety.
- Bob Kaplan Mr. Kaplan stated that supporting the cross lot is the professional staff, the appointed Planning Commission, the City policy and the City practice. Opposing the cross lot is the applicant. Stated that the reasons are that they do not wish the Spencer Cove traffic in their shopping center and they do not want the competition for tenants. Stated that the site plan that they submitted showing the drainage swale open surface drainage, they do not believe is credible. Stated that they believe that site plan was designed solely to oppose cross lot circulation for several reasons: 1. The major portion of the surface drainage is not on the Newmarket C.U.P., it is on the Spencer Cove C.U.P., 2. They have agreed if in the unlikely event that they have to have open swale and if they have surface drainage in the area between the two parcels, they will box it. Stated that they are not going to have a creek running across the parking lot of a shopping center. Stated that cost is not an issue. He has written the Slawson Company and had offered to meet and they will not meet. Stated that cross lot is for traffic benefits, traffic flow, traffic safety and they have always traditionally as a practice required it.
- George Sherman Mr. Sherman stated that he works for Slawson Development, and they have submitted a number of C.U.P. cases, and in almost every case they have been in agreement with Staff comments. Stated that in this case they are in full agreement with everything except for the cross lot access. Stated that they do not want to be required to connect with the property that is outside of their project and that they have cross lot access within all of Newmarket Square and have exceeded the standards on all of that. Stated that there are two issues here. The first issue is Mr. Bannon's desire to connect his property to Maize Road. He has a piece of property with frontage only on 29th Street and believes that its value and marketability will be increased if he can have his traffic cut through their property and get to Maize Road and he presented a letter to the Planning Commission from a broker saying your property would be worth more if you could connect to Maize Road. Stated that the other issue is traffic management. Stated that the City's Traffic Management Policy does not require cross lot access, it encourages it and that its purpose is to be a guideline and not a firm rule. Stated that even the portions that are intended to be firm rules have provisions that deviations will be allowed in situations where the character of the site development street or area are unusual. Stated that the MAPC did not require Mr. Bannon to have cross lot access, it was not in the Staff report. He submitted the C.U.P without it, then before the meeting, added a clause that there would be cross lot access and Staff accepted that. Stated that it is their opinion that connecting the two properties will have little if any positive impact on the traffic.
- Council Member Fearey Council Member Fearey stated that she would be supporting the MAPC's recommendation.
- Council Member Brewer Council Member Brewer stated that he would be supporting staff's recommendation.
- Mayor Mayans Mayor Mayans stated that he will vote not to put the cross lot circulation on the project.

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- Motion-- Martz moved to adopt the findings of MAPC and approve the zone change and the C.U.P. subject to the condition of platting within two years and the conditions recommended by MAPC modified as the Council has discussed on record today for no cross lot circulation, instruct Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds.
- Gary Rebenstorf Director of Law stated that because of the protest petition, it requires a super majority and if there is a change to the MAPC action there will need to be six votes to pass.
- failed Motion failed 4 to 2, (Nays-Brewer and Fearey, Schlapp absent).
- Motion-- Brewer moved to adopt the findings of the MAPC, approve the zoning change and C.U.P. subject to the condition of the platting within two years of the recommended conditions, instruct the Planning Department to forward the Ordinance for first reading when the plat has been recorded to the Register of Deeds. (Fearey seconded the motion).
- John Schlegel Planning Director stated that the filer of the protest petition indicated to him that they wish to withdraw their protest and if they can do that.
- Gary Rebenstorf Director of Law explained that the protest petition belongs to the person that filed it and if they want to withdraw that the Council has the ability to approve the withdrawal.
- John Schlegel Planning Director explained that by withdrawing the motion the simple majority is needed to approve the motion that was just made rather than a super majority. Stated that with the protest in place, which constituted over 20% of the protest area so that with that filed it required a super majority for any action.
- Gary Rebenstorf Director of Law stated that Mr. Kaplan cannot have this only for this motion and that if he withdraws his protest petition, it is withdrawn.
- Mr. Kaplan Mr. Kaplan stated that the protest petition would stand.
- WITHDRAWN** Brewer withdrew his motion with consent of the second.
- Motion-- Gray moved to return the application to the MAPC to see if the two parties can work something out and
--carried come to a conclusion. Motion carried 6 to 0, (Schlapp absent).

AIRPORT AGENDA

- Motion--carried Mayans moved to approve the Airport Agenda as presented. Motion carried 6 to 0, (Schlapp absent).

SWITCH UPGRADE TELEPHONE SWITCH UPGRADE WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 04-1091

The Airport Department operates a telephone switch that provides telephone services to department staff and airport tenants. The switch is over 20 years old and has exceeded its useful life. Upgrading the phone switch will lower the cost of maintenance and the cost of obtaining dial tone from the City's contracted provider along with allowing for a higher level of service to be provided to the users.

A Request for Proposals was published and two vendors responded. The proposals were evaluated and the committee selected Comm Link, Inc. as the successful vendor. This company employees certified technicians who can work on the equipment that the airport owns and operates. The contract is for an upgraded phone switch and maintenance for four years after warranty expiration with a 30-day termination and payment cancellation clause.

A project budget of \$193,575 is requested. This includes the cost of the contract with Comm Link for the phone switch and installation at \$155,525 plus \$38,050 for handset replacements, training costs and

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project contingency. Funding for the phone switch installation project is available from the Capital Improvement Program and will be paid for with General Obligation Bonds to be paid for with airport revenues. The yearly maintenance is \$47,000 per year. The funds for the maintenance agreement are included in the operating budget. An existing rate structure is in place to recover the costs incurred over time.

Motion--
--carried

Mayans moved that the project budget and contracts be approved; the Resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. A 04-007

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same. Motion carried 6 to 0, (Schlapp absent). Yeas, Brewer, Fearey, Gray, Lambke, Martz, Mayans.

TELECOMMUN.

TELECOMMUNICATIONS CONTRACT AND POLICY REVIEW.

Agenda Report No. 04-1092

In 1997, the Wichita Airport Authority adopted a Telecommunications Contract and Policy, which provided the understanding under which telecommunication service providers could operate on Airport property. There have been several changes to the regulations governing telecommunication service providers, most notably changes to the Telecommunications Act of 1996. Therefore, it is necessary for the Contract/Policy to be reviewed and updated for implementation.

A Request for Proposal was published to which four responses were received. A selection committee was formed consisting of personnel from the Airport, IT/IS and Law departments. Spiegel & McDiarmid was selected to provide the services. The company brings extensive experience in the legal application of regulations to the telecommunication industry combined with knowledge of the airport environment to the project.

The agreement is for a not-to-exceed cost, including expenses, of \$20,000. There is budget available for this expenditure.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

SA NO. 1

SUPPLEMENTAL AGREEMENT NO. 1, AIRFIELD PAVEMENT TAXIWAY "L" CONSTRUCTION, TAXIWAY "J" WIDENING AND COMPASS ROSE CONSTRUCTION.

Agenda Report No. 04-1093

On October 21, 2003 the Wichita Airport Authority approved the capital improvement project.

A supplemental agreement with Professional Engineering Consultants, P. A., has been prepared for design services.

The cost of the supplemental agreement is \$45,572. The supplemental agreement has been submitted to the FAA to determine eligibility. Airport revenue will be used fund the expenses the FAA determines ineligible. The supplemental agreement is within the project budget.

The Law Department has approved the agreement. FAA approval is pending.

Motion--
--carried

Mayans moved that the supplemental agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

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REYNOLDS AIR EXP. AGREEMENT-REYNOLDS AIR EXPRESS.

Agenda Report No. 04-1094

The multi-tenant cargo building on Mid-Continent Airport consists of 31,500 sq.ft. and includes space for 15 different tenants. The leases are for a three-year period terminating June 30, 2005. Rent for use of space in this building is \$6.50 per sq.ft. per year.

Reynolds Air Express is an airfreight forwarder which opened for business in Tucson, Arizona on June 15, 1998. They provide Next Day, 2nd Day, and 3-4 Day economy airfreight within the continental United States. They have established a business relationship with an existing company in Wichita, with whom they do business on a daily basis. They are interested in establishing a physical presence on the airport, while continuing to market and expand their customer base in Wichita. They are interested in leasing space in the cargo building, commencing November 1, 2004.

Rental for the space is \$6.50 per sq. ft., resulting in annual revenue to the airport of \$7,800. In addition, there is monthly fee of \$250 for additional space required for truck parking.

Motion--
--carried

Mayans moved that agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

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APPOINTMENTS

BOARD APPOINTMENTS.

Council Member Fearey Council Member Fearey requested that Brittani Hernandez be appointed as a youth member to DAB VI.

Council Member Gray Council Member Gray requested that Doug Shoen be appointed to DAB IV.

Council Member Brewer Council Member Brewer requested that Debby Moore be appointed to the Grants Committee.

Motion--carried Mayans moved that the appointments be made. Motion carried 6 to 0, (Schlapp absent).

RECESS

Mayans moved to recess into Executive Session at 1:00 p.m. to consider: consultation with legal counsel on matters privileged to the attorney-client relationship relating to: legal advice, contract negotiations and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 1:30 p.m. and reconvene in the 10th Floor MAPC Meeting Room of City Hall.

RECONVENE

The Council reconvened at 1:30 p.m. in the 10th Floor MAPC Meeting Room of City Hall. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved to close the Executive Session at 1:31 p.m. Motion carried 6 to 0, (Schlapp absent).

ADJOURNMENT

The City Council meeting adjourned at 1:31 p.m.

Karen Sublett
City Clerk

Workshop to follow